

# CHILD SUPPORT GUIDELINES ADVISORY COMMITTEE

Federal law 45 CFR 302.56 and Utah Code Annotated §78-45-7.13 requires that Utah complete a review of their child support guidelines every four years. Review of Utah's Child Support Guidelines is required in 2003. The last revisions were made to the schedule in 1994.

The following sites describe both the federal and state requirements for child support guideline review:

**-45 CFR 302.56 U.S. Department of Health & Human Services:**

<http://www.acf.dhhs.gov/programs/cse/pol/cfr/98/302-56.htm>

**-Utah Code Annotated:**

[http://www.le.state.ut.us/~code/TITLE78/htm/78\\_36025.htm](http://www.le.state.ut.us/~code/TITLE78/htm/78_36025.htm)

The Utah Child Support Guidelines Advisory Committee is appointed by the Governor and staffed by the Department of Human Services. The current committee ceases to exist on November 1, 2003 after presenting its recommendations to the Judiciary Interim Committee in October 2003. Another committee will be appointed in 2007.

## **Current Child Support Guidelines Advisory Committee Members:**

Stewart Ralphs, Esq., Co-Chair-Family Law Attorney

Helen E. Christian, Esq., Co-Chair-Family Law Attorney

Judge Joseph Fratto-Third District Court Judge

DiAnna McDowell-Non-Custodial Mother

David Salazar-Non-Custodial Father

Bruce Bilodeau-Custodial Father

Jan Day-Custodial Mother

Thomas N. Maloney-Economist

Millie Peterson-Member at Large

Mark Brasher-Office of Recovery Services

Jessie X. Fan-Economist

## **Policy Studies, Inc.**

In 2001, the Child Support Guidelines Advisory Committee sought proposals for the update of the schedule of basic child support obligations. The committee selected Policy Studies, Inc. (PSI) to complete this study. PSI agreed to revise the schedules as the committee deemed necessary prior to the committee making recommendations to the Judiciary Interim Committee in October 2003.

Link to PSI November 29, 2002 Report: <http://www.dhs.utah.gov/ucsg.htm>

### Factors Considered in the Revised Child Support Schedules

- Use of new economic estimates of child rearing expenditures.
- Changes in price levels. Since the last review, price levels have increased by approximately 11 percent.
- Changes in tax rates. Federal tax reforms in 2001, 2002 and 2003 reduced taxes. Another table will be completed by PSI to address the most recent tax reform.
- No longer including adjustment for low income in the schedule. In 1994, a low-income table was added and it is no longer necessary to incorporate an adjustment into the proposed schedule. The low-income table will be updated to reflect the current poverty level of \$748 per month.
- Extension of the schedule to combine gross income of \$20,000 per month from the current level of \$10,000 per month.

### Public Policy Issues Considered by the Child Support Guidelines Advisory Committee

The current Child Support Guidelines Advisory Committee is examining the following specific areas for possible revisions to Utah's Child Support Guidelines:

- Medical Expenses
- Child Care Costs
- Tax Exemptions
- Updating Low-Income Adjustment

The following table reflects current Utah policy as well as potential options.

Issue	Current Utah Policy	Options Under Consideration
<b>Treatment of Medical Expenses and Insurance Costs</b>	<ul style="list-style-type: none"><li>• Federal regulations require that the obligor cover the health insurance premiums if made available by their employer for a reasonable cost.</li><li>• The current Utah guidelines exclude extraordinary medical expenses and medical insurance premiums. These costs are split equally between the two parents.</li></ul> §78-45-7.15	<ul style="list-style-type: none"><li>• Include the first \$250 per year, per child, in the schedule. Extraordinary medical expenses are defined as exceeding \$250.</li></ul>
<b>Treatment of Child Care Costs</b>	<ul style="list-style-type: none"><li>• The current Utah guidelines exclude work-related child-care costs. These costs are split equally between the two parents.</li></ul> §78-45-7.16	<ul style="list-style-type: none"><li>• Amend the law to provide for child-care costs to be split based on proportion of income.</li></ul>
<b>Tax Exemptions</b>	<ul style="list-style-type: none"><li>• No presumption currently exists with regard to which parent should be awarded the tax exemption. Unless the parties agree in writing, the court or administrative agency shall award in any final order the exemption on a case by case basis. In awarding the exemption, the court or administrative agency shall consider:<ul style="list-style-type: none"><li>a) As the primary factor, the relative contribution of each parent to the cost of raising the child;</li><li>b) Among other factors, the relative tax benefit to each parent.</li></ul></li></ul> §78-45-7.21	<ul style="list-style-type: none"><li>• Dependency tax exemption be awarded to the custodial parent unless that parent would not receive a benefit.</li></ul>
<b>Low-Income Table-Monthly Base Amount</b>	<ul style="list-style-type: none"><li>• Current minimum amount is \$23.00.</li></ul>	<ul style="list-style-type: none"><li>• Proposed minimum amount is \$45.00.</li></ul>

## **Notice of Opportunity for Public Comment Regarding Proposed Changes in Utah's Child Support Guidelines**

Publication and discussions of these draft proposals does not imply that any of the proposals will be recommended by the Child Support Guidelines Advisory Committee or adopted by the Legislature in the 2004 General Session.

The Child Support Guidelines Advisory Committee is scheduled to report to the Judiciary Interim Committee on October 15, 2003 with its recommendations for potential legislation in the 2004 General Session.

The committee is seeking public comment on policy issues (child health care costs, child-care costs and tax exemptions) relating to the possible revision of Utah's child support guidelines.

Please submit your written comments specific to these issues to the Department of Human Services prior to September 5, 2003. You may submit your comments electronically to: [dirdhs@utah.gov](mailto:dirdhs@utah.gov), or to Department of Human Services, Office of the Executive Director, 120 North 200 West, #319, Salt Lake City, Utah 84103, Attn: Child Support Guidelines Advisory Committee.

Please note that the Child Support Guidelines Advisory Committee cannot intervene in individual cases and cannot provide legal advice. The committee requests comments for purposes of presenting recommendations to the Judiciary Interim Committee. Any change to Utah's child support guidelines will ultimately be decided by the Legislature during the 2004 General Session.

Comments will be compiled for discussion at the next Child Support Guidelines Advisory Committee meeting on September 12, 2003, 12:00 p.m., Department of Human Services, 120 North 200 West, Salt Lake City, Utah, Room 129.